

EXHIBIT E

Chris Wion

From: Chris Wion
Sent: Friday, October 07, 2011 3:08 PM
To: 'Phil McCune'
Subject: RE: Msft's proposed Motion for Leave to Amend Infringement Contentions

Thanks.

From: Phil McCune [mailto:philm@SummitLaw.com]
Sent: Friday, October 07, 2011 3:06 PM
To: Chris Wion
Subject: RE: Msft's proposed Motion for Leave to Amend Infringement Contentions

Chris:

We will review and get back to you soon.

Best regards,

Phil

Phil McCune, Member / Summit Law Group PLLC
315 Fifth Avenue South, Suite 1000 | Seattle, Washington 98104-2682
T 206.676.7038 | F 206.676.7039 | philm@summitlaw.com | www.summitlaw.com
[Benchmark Litigation Guide](#) / [Super Lawyer](#) / [Martindale-Hubbell](#)

From: Chris Wion [mailto:chrisw@dhl.com]
Sent: Friday, October 07, 2011 3:01 PM
To: Phil McCune
Subject: Msft's proposed Motion for Leave to Amend Infringement Contentions

Phil,

As you are aware, the parties exchanged their preliminary infringement contentions on Sept. 2, 2011. We have become aware that Motorola began selling the Droid Bionic smartphone in the United States on Sept. 8, 2011, at earliest. We believe that the Bionic infringes the '780 and '582 patents. Because Motorola brought the Bionic to market after the parties' exchange of preliminary infringement contentions, we intend to amend our infringement contentions to add the Bionic as an accused product. Like the other 24 Motorola products we have accused, the Bionic is an Android device and therefore, we believe it infringes the '780 and '582 patents in substantially the same manner as the already accused products. As such, our amended infringement contentions directed toward the Bionic are substantially similar to the infringement theories we previously presented.

We've placed our amended materials at the following link for your review: <https://signin.sidleyfiletransfer.com/fs/v.aspx?v=8a6d64895f66b7a97166>. We've included redline copies of the amended documents compared to the originals. Notice that the main contention charts are not updated; only the appendices relating to the Bionic are updated (or new, in the case of Appendix C-19).

Accordingly, we intend to move the Court for leave to amend our preliminary infringement contentions. A copy of our proposed Motion (with exhibits) is attached.

Because of the substantial similarities between the Bionic and the previously accused products and our timely efforts to update our contentions, we don't believe such an amendment will prejudice Motorola's arguments or defenses. Please confirm that Motorola will not oppose this motion. If Motorola does oppose this motion, please let me know when you are available to meet and confer so that we might understand Motorola's bases for opposition.

Thank you,

-Chris

Christopher T. Wion
Partner
Danielson Harrigan Leyh & Tollefson LLP
999 Third Avenue, Suite 4400
Seattle, Washington 98104
Tel: (206) 623-1700
Fax: (206) 623-8717

This internet e-mail message contains confidential, privileged information that is intended only for the addressee. If you have received this e-mail message in error, please call us (collect, if necessary) immediately at (206) 623-1700 and ask to speak to the message sender. Thank you. We appreciate your assistance in correcting this matter.

Summit Law Group

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at the above e-mail address.

Circular 230 Notice: To comply with IRS regulations, please note that any discussion of Federal tax issues in this email (and in any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (a) avoiding any penalties imposed under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.